

REMARKS/ARGUMENTS

The Examiner's Office Action and the cited references have been given careful consideration. Following such consideration, claims 1, 4, 5, 18 and 22 have been amended to define more clearly the patentable invention applicant believes is disclosed herein. Claims 6-17, 21 and 23 were previously cancelled. Claims 2, 3, 19, 20 and 24-41 are unchanged by the present amendment. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application. Please note that a *Request for Continued Examination (RCE)* accompanies this Response.

In view of the applicant's amendments filed December 11, 2009, the Examiner has withdrawn the rejections based on 35 U.S.C. 101 and 35 U.S.C. 112. Accordingly, the only issue remaining in the present application is an obviousness rejection under 35 U.S.C. 103, based upon the combined teachings of Soestbergen et al. (US 2002/0143693) and Werbos (US 6,532,454). In particular, claims 1-5, 18-20, 22, 24-25, 30-34 and 39-41 have been rejected under 35 U.S.C. 103(a).

The applicant's representative wishes to thank the Examiner for the courtesy extended during the telephone interviews conducted May 5, 2010 and May 13, 2010. Amendments to the claims were discussed for overcoming the 35 U.S.C. 103(a) obviousness rejection based upon the combined teachings of Soestbergen et al. (US 2002/0143693) and Werbos (US 6,532,454). The Examiner agreed that Soestbergen et al. is directed to a method for banking and exchanging "emission reduction" credits in connection with renewable energy systems. In order to distinguish the applicant's invention from Soestbergen et al., the Examiner suggested that the applicant amend the claims such that they could not be construed to relate to "emission" credits. Accordingly, the applicant proposed amending the term "credit" to "profit contribution value." With this amendment, the Examiner indicated that he believed the claimed invention should be patentability distinguishable from Soestbergen et al.

The applicant submits herewith amended claims wherein the term "credit" has been amended to "profit contribution value." Please note that the term "local credit" has been amended to "local contribution value," since it is defined in claim 1 as "a measure of the contribution of the first input *on outputs of the first process*."

In view of the Examiner's comments, and the amendments discussed above, it is respectfully submitted that independent claim 1 (and claims 2-5 and 24-32 which depend therefrom) and independent claim 18 (and claims 19, 20, 22 and 33-41 which depend therefrom) are patentably distinguishable from the cited references. Thus, the Examiner is respectfully requested to withdraw the 35 U.S.C. 103 rejection, and allow the application.

It is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. NC9441US.

Date: May 17, 2010

Respectfully submitted,



Michael A. Jaffe
Registration No. 36,326

Kusner & Jaffe
Highland Place – Suite 310
6151 Wilson Mills Road
Highland Heights, Ohio 44143
(440) 684-1090 (phone)
(440) 684-1095 (fax)

MAJ/lc